

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

GLYNIS BETHEL,
Plaintiff,

vs.

SHERIFF HUEY MACK,
Defendant.

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CIVIL ACTION 10-0099-KD-M

ORDER

After due and proper consideration of all portions of this file deemed relevant to the issues raised, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(3) and dated June 24, 2010 is hereby **ADOPTED** as the opinion of this Court with the exception of the text on Page 1 “and previously proceeding *in forma pauperis*”¹ and “[i]t appears that Plaintiff may qualify to proceed *in forma pauperis* on appeal looking solely at her present financial situation; however[.]”² which is **STRICKEN**.

Accordingly, it is **ORDERED** that Plaintiff’s Motion to Proceed without Prepayment of Fees (Doc. 12) is **DENIED**. It is **CERTIFIED** that this appeal is not taken in good faith in that the Plaintiff has failed to show that she has a non-frivolous issue to be presented to the Eleventh Circuit Court of Appeals.

DONE and ORDERED this the **29th** day of **June 2010**.

/s/ Kristi K. DuBose
KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE

1 A portion of the second line of the second paragraph on Page 1 of Doc. 13.
2 The first and second sentence of the third paragraph on Page 1 of Doc. 13.